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IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Letter dated 15 February 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the Chairman of the Commission on Human Rights

I have the honour to inform you that in one of the meetings at the forty-sixth session of the Commission on Human Rights, the representative of "Minority Rights Group" referred, inter alia, to the so-called torture and murder of four Albanian citizens belonging to the Greek minority. He is obviously misinformed, since his statement is a pure and malicious fabrication about my country.

I wish to repeat that the statement is a lie and that nothing of the kind happened. In this connection, on 5 January 1990, the Albanian Embassy in Athens showed Greek journalists and correspondents from various countries a film produced for television shot on the evening of 31 December at the village of Pepel Dropull at the home of the four Prasos brothers, showing them celebrating the New Year with their relatives. The sequences of the film attest to the absurdity and ridiculous nature of the statements of those who invented the so-called tragic killing of the four Prasos brothers. At the same time, I wish to inform you that Greek journalists have visited and seen the Prasos brothers recently.

Finally, I should like to inform you that the Greek minority in Albania is effectively assured of the protection and development of its culture and its popular traditions, the use of its mother tongue and its instruction in the schools, as well as equal development in all spheres of social life.

I should be very grateful if you would kindly arrange for this letter to be circulated to the members of the forty-sixth session of the Commission on Human Rights.

(Signed): ALFRED PAPUÇIU,
Chargé d'affaires
Permanent Mission of the SPR
of Albania

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HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

Revised version of the guidelines for the regulation of computerized personal data files prepared by Mr. Louis Joinet, Special Rapporteur

I. INTRODUCTION

1. At its forty-fourth session, the General Assembly adopted resolution 44/132, on 15 December 1989, entitled "Guidelines for the regulation of computerized personal data files" by which it invited the Sub-Commission's Special Rapporteur, Mr. Louis Joinet, to submit to the Commission, at its forty-sixth session, a revised version of the draft guidelines, taking into account the comments and suggestions submitted by eight Governments (A/44/606 and Add.1), some of which had supplemented or confirmed the comments communicated earlier to the Special Rapporteur and which he had already taken into consideration.

2. This document, prepared pursuant to General Assembly resolution 44/132, contains the revised version of the guidelines for the regulation of computerized personal data files prepared by the Special Rapporteur, Mr. Louis Joinet.

II. GUIDELINES CONCERNING COMPUTERIZED PERSONAL DATA FILES

The procedures for implementing regulations concerning computerized personal data files are left to the initiative of each State subject to the following orientations:

A. Principles concerning the minimum guarantees that should be provided in national legislations

1. PRINCIPLE OF LAWFULNESS AND FAIRNESS

Information about persons should not be collected or processed in unfair or unlawful ways, nor should it be used for ends contrary to the purposes and principles of the Charter of the United Nations.

2. PRINCIPLE OF ACCURACY

Persons responsible for the compilation of files or those responsible for keeping them have an obligation to conduct regular checks on the accuracy and relevance of the data recorded and to ensure that they are kept as complete as possible in order to avoid errors of omission and that they are kept up to date regularly or when the information contained in a file is used, as long as they are being processed.

3. PRINCIPLE OF THE PURPOSE-SPECIFICATION

The purpose which a file is to serve and its utilization in terms of that purpose should be specified, legitimate and, when it is established, receive a certain amount of publicity or be brought to the attention of the person concerned, in order to make it possible subsequently to ensure that:

(a) All the personal data collected and recorded remain relevant and adequate to the purposes so specified;

(b) None of the said personal data is used or disclosed, except with the consent of the person concerned, for purposes incompatible with those specified;

(c) The period for which the personal data are kept does not exceed that which would enable the achievement of the purpose so specified.

4. PRINCIPLE OF INTERESTED-PERSON ACCESS

Everyone who offers proof of identity has the right to know whether information concerning him is being processed and to obtain it in an intelligible form, without undue delay or expense, and to have appropriate rectifications or erasures made in the case of unlawful, unnecessary or inaccurate entries and, when it is being communicated, to be informed of the addressees. Provision should be made for a remedy, if need be with the supervisory authority specified in principle 8 below. The cost of any rectification shall be borne by the person responsible for the file. It is desirable that the provisions of this principle should apply to everyone, irrespective of nationality or place of residence.

5. PRINCIPAL OF NON-DISCRIMINATION

Subject to cases of exceptions restrictively envisaged under principle 6, data likely to give rise to unlawful or arbitrary discrimination, including information on racial or ethnic origin, colour, sex life, political opinions, religious, philosophical and other beliefs as well as membership of an association or trade union, should not be compiled.

READEX FICHE

6. POWER TO MAKE EXCEPTIONS

Departures from principles 1 to 4 may be authorized only if they are necessary to protect national security, public order, public health or morality, as well as, inter alia, the rights and freedoms of others, especially persons being persecuted (humanitarian clause) provided that such departures are expressly specified in a law or equivalent regulation promulgated in accordance with the internal legal system which expressly states their limits and sets forth appropriate safeguards.

Exceptions to principle 5 relating to the prohibition of discrimination, in addition to being subject to the same safeguards as those prescribed for exceptions to principles 1 and 4, may be authorized only within the limits prescribed by the International Bill of Human Rights and the other relevant instruments in the field of protection of human rights and the prevention of discrimination.

7. PRINCIPLE OF SECURITY

Appropriate measures should be taken to protect the files against both natural dangers, such as accidental loss or destruction and human dangers, such as unauthorized access, fraudulent misuse of data or contamination by computer viruses.

8. SUPERVISION AND SANCTIONS

The law of every country shall designate the authority which, in accordance with its domestic legal system, is to be responsible for supervising observance of the principles set forth above. This authority shall offer guarantees of impartiality, independence vis-à-vis persons or agencies responsible for processing and establishing data, and technical competence. In the event of violation of the provisions of the national law implementing the aforementioned principles, criminal or other penalties should be envisaged together with the appropriate individual remedies.

9. TRANSBORDER DATA FLOWS

When the legislation of two or more countries concerned by a transborder data flow offers comparable safeguards for the protection of privacy, information should be able to circulate as freely as inside each of the territories concerned. If there are no reciprocal safeguards, limitations on such circulation may not be imposed unduly and only in so far as the protection of privacy demands.

10. FIELD OF APPLICATION

The present principles should be made applicable, in the first instance, to all public and private computerized files as well as, by means of optional extension and subject to appropriate adjustments, to manual files. Special provision, also optional, might be made to extend all or part of the principles to files on legal persons particularly when they contain some information on individuals.

B. Application of the guidelines to personal data files kept by governmental international organizations

The present guidelines should apply to personal data files kept by governmental international organizations, subject to any adjustments required to take account of any differences that might exist between files for internal purposes such as those that concern personnel management and files for external purposes concerning third parties having relations with the organization.

Each organization should designate the authority statutorily competent to supervise the observance of these guidelines.

Humanitarian clause: a derogation from these principles may be specifically provided for when the purpose of the file is the protection of human rights and fundamental freedoms of the individual concerned or humanitarian assistance.

A similar derogation should be provided in national legislation for governmental international organizations whose headquarters agreement does not preclude the implementation of the said national legislation as well as for non-governmental international organizations to which this law is applicable.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 16 February 1990 from the Minister of Foreign Affairs of Greece to the United Nations Office at Geneva addressed to the Secretary-General

1. At a time of momentous development which is rapidly reshaping the established world order, I am aware that I am imposing on you by raising a question which should not have been raised at all. All the more so, since it is founded on arguments which both you and I would rather have seen long forgotten.

2. However, as a Minister of Foreign Affairs conscious of his duties, I feel obliged to refute the allegations contained in the letter which purports to present the alleged "plight" of the Muslim Greeks in Western Thrace that the Turkish Minister of Foreign Affairs, Mr. Yilmaz, recently addressed to you.

3. It is sad indeed that at the very moment Europe is experiencing through such a critical and decisive phase of her history, Turkey should still feel the need to create artificial problems. It is even sadder that Ankara should persist in her policy of fabricating nationalistic issues in an attempt to distract Turkish public opinion from everyday realities.

4. The letter in which Mr. Yilmaz accuses the Greek Government of being responsible for the sentencing by a First Instance Court of two Greek nationals, Mr. Ahmet Sadik and Mr. Ibrahim Serif, brings ample evidence that Ankara has not yet realized that, since Montesquieu, all modern democracies scrupulously respect the principle of the separation of powers. It should also be obvious that Ankara is apparently not aware that there exists in Greece a Constitution which neither the Government nor the Judiciary can infringe upon even if they wished to do so. Justice in Greece does not depend on the wishes of the Government in power.

5. The numerous foreign observers who attended the trial - among whom were representatives of Amnesty International - bear witness to this point. It would indeed be a cause of great satisfaction to us if the principle of the separation of powers were to be implemented to Turkey also.

6. Mr. Yilmaz has hastened to make unfounded accusations against Greece even while the Sadik-Serif case is still pending at the courts. This fact suffices to reveal the political motivations underlying the Turkish Minister's ostensible concern for the protection of human rights.

7. Mr. Yilmaz inaccurately claims, among other things, that the Greek Government has failed to provide the necessary protection to the Muslim population of Komotini during the incidents there a few days ago. These incidents were the result of the extremist appeals of a group of people whose aim it was to fire hatred and confrontation between Muslims and Christians in Western Thrace. Their efforts were supported by the Turkish Government which fuelled the tensions by public statements of high-ranking officials and by incendiary reports of the Turkish mass media which, as it is well known, are under State control.

8. As Mr. Yilmaz himself had to recognize, it is obviously the Greek Government's sole responsibility to ensure the protection and security of all its citizens, irrespective of their religion, by all appropriate means. This is precisely what the Greek authorities did in this case. They did so in a way designed to avoid increasing tensions. Greek police, thanks to its careful handling of the situation, ensured that human casualties were avoided, while such material damages, as unfortunately occurred, were of a limited extent.

9. The occasion for the above-mentioned incidents - in themselves a result of the campaign of hatred and divisiveness undertaken by Mr. Sadik and Mr. Serif - was provided by the brutal attack against a Christian customs employee, who has since been declared clinically dead.

10. Nevertheless, Mr. Yilmaz's letter provides the opportunity for further comments. Turkey is now curiously posing as an advocate of human rights. But it is not possible to ignore the particularly poor record of Turkish Governments concerning their protection that one cannot but underline that, despite all human rights conventions Turkey has ratified, everyday life there does not in any way reflect her will to abide by her responsibilities. One needs only to consider that various international organizations have denounced the lamentable conditions of detention of politicians, intellectuals, students and ordinary people in Turkish prisons, as well as the restrictions of the freedom of expression. The most telling example of such a restriction is the fact that Turkey has prohibited - in direct violation of the Lausanne Treaty - the free use of dialects and languages spoken by millions of her citizens.

11. As far as specific events that set light on the implementation of the minority clauses of the Lausanne Treaty it should be underlined that Turkey has, since the 1930s, implemented a policy of systematic oppression and brutal persecution against the Greek minorities of Constantinople, Imbros and Tenedos, with a view to driving them out of the country. It is worth reminding that the Greek minority in Turkey and the Muslim minority of Western Thrace were exempted by the Treaty of Lausanne from the compulsory exchange of populations in 1923.

12. As a result of Turkish persecutions, in the form of either discriminatory legal and administrative measures or of direct incitement of the Turkish mob to violence, the Greek minority of Constantinople numbering 146,000 members in 1928, has shrunk today to only 3,500. Of the various persecutions responsible for its present situation, the most appalling was the pogrom of September 1955 which resulted in 16 deaths, 32 injured persons, 200 raped women, the destruction of 1,004 homes, 4,348 shops, 27 pharmacies, 21 workshops, 110 hotels and restaurants, 2 monasteries, 26 schools and 5 sports clubs.

13. Equally impressive are the figures concerning the two islands of Imbros and Tenedos, which were granted a status of special administrative organization by article 14 of the Treaty of Lausanne as they were then populated almost exclusively by Greeks. The population of the former has dwindled from 6,762 to only 350 and the population of the latter from 2,500 to only 140.

14. In striking contrast, the Muslim minority in Greece numbers today some 120,000 persons enjoying all the rights and liberties guaranteed by the Greek Constitution and the international conventions on human rights. The minority has more than 206 mosques and 279 schools.

15. It would be easy for me not to limit my letter to the refutation of the allegations levied against my country by the Minister of Foreign Affairs of Turkey. I would have every right to present a long and detailed enumeration of facts concerning the lot, over the years, of the Greek minority in the hands of Turkey.

16. However, I will refrain from doing so, in order to help Turkey realize that it will be a benefit to all parties, and primarily to Turkey itself, to defuse tensions. The whole world and first of all Turkey stands in need of rejecting the policy of artificially creating problems in view of the real and pressing ones we are confronted with. What we need are co-ordinated efforts for the freedom and well-being of the world and not the fuelling of confrontations.

17. I hope that neighbouring Turkey will also adopt this policy. Further developments will indicate whether we will have to propose new plans and ideas.

(Signed): Andonis Samaras
Minister of Foreign Affairs
of Greece

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 17 February 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to append information which I would kindly request you to have circulated as an official document of the Commission on Human Rights, under item 12 of the agenda for its forty-sixth session.

(Signed) Alfred Papuçiu
Chargé d'affaires

GE.90-10729/5395A

Annex

A. Legal protection in the Socialist People's Republic of Albania

1. The Constitution guarantees the protection of the individual in all its aspects. Specific provisions of the Criminal Code establish as a punishable offence any action directed against the life, health or dignity of the individual. The courts and the Chambre d'accusation, in applying the same rules for all, investigate each case in complete objectivity, in the fullest and most detailed manner possible, in order to protect every citizen against unjust prosecution or conviction and to determine the responsibility of the person genuinely guilty. Similarly, as regards the process of pre-trial investigation, the Code of Criminal Procedure categorically stipulates that "in the course of the investigation, the use of physical or psychological violence or other measures of the same kind are prohibited" (art. 7).

2. The Ninth Plenum of the Central Committee of the Labour Party of Albania, which met on 22 and 23 January 1990, considered, inter alia, the question of the further improvement of the legislation of the Socialist People's Republic of Albania. The full text of a decision taken in this connection is reproduced below:

"III. Let us perfect socialist legislation

In this area, the achievements are already well known. Our legislation is fully constitutional, democratic and popular. Our laws, in their content and their application, express the interests of the people.

Taking as its starting-point the need to improve this legislation still further in conformity with the improvement of the cultural level, conscience and legal training of the workers, the Ninth Plenum recommended the following measures:

(1) Measures should be devised to guarantee for citizens protection under the law, both during investigations and during the trial, in each case, at their request, in accordance with the rights recognized by the Constitution;

(2) The institution of legal and juridical rehabilitation and conditional pre-term release should be studied and implemented as forms of the application of justice, for a number of categories of ordinary offences and for convicted prisoners who later show evidence of good conduct within society;

(3) It should be recommended to the organs of State that, because of the broadening of the State's activity, the more difficult codification of legal activity and so on, it would be advisable to re-establish the Ministry of Law;

(4) The Village, City and City District Courts Act should be revised and improved, the courts being classified as social organizations that do not have the right to pronounce sentences of a criminal nature;

All these questions must be prepared for the next meeting of the People's Assembly."

B. Travel by foreign visitors and tourists in Albania and Albanians abroad

3. In recent years, tourism has grown steadily in Albania. In 1989 alone, 14,435 persons from various countries stayed in Albania as tourists. The number of tourists from neighbouring countries increased appreciably: 3,830 were Greek, and there were 633 from Yugoslavia in 1989.

4. Apart from tourists, many visitors with close relatives in Albania stayed in our country and many Albanian citizens visited their close relatives living abroad.

5. During the past year, 24 persons received a Yugoslav visa. The Yugoslav authorities refused entry visas to 610 persons. In the same period, the same authorities permitted 157 Yugoslav citizens to visit Albania, including 22 from Kosovo.

6. Travel by visitors from Greece, another neighbouring country, has grown in recent years: in 1989, 744 Greek visitors stayed in Albania and 643 Albanians travelled to Greece.

7. On 17 January 1990, in the town of Korçë (Albania), a regular passenger coach service between Korçë and Istanbul was inaugurated. This service will operate under the road transport agreement signed by the Socialist People's Republic of Albania and the Republic of Turkey. It will carry passengers and tourists from Albania to Turkey and in the opposite direction.

8. There have also been exchanges of visitors with other countries. In 1989, 1,600 foreign visitors came to Albania and 1,400 Albanians travelled abroad.

C. Alleged imprisonment of former church members

9. With regard to the allegations contained in the annex to the communication of 3 October 1988 from Mr. Angelo Vidal d'Almeida Ribeiro, Special Rapporteur, to the effect that former Bishop Nikolla Troshani and 13 former priests and church members mentioned by name had been imprisoned for religious reasons, we repeat that at present none of these persons is being held in Albanian prisons and that none of them has been convicted for purely religious reasons.

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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIRST SESSION

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-FIRST SESSION

Note by the Secretary-General

1. The Secretary-General has the honour to draw the attention of the members of the Commission on Human Rights to the administrative and programme budget implications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities which were adopted in 14 resolutions. These administrative and programme budget implications are contained in annex II of the Sub-Commission's report (E/CN.4/1990/2-E/CN.4/Sub.2/1989/58).

2. In addition, the administrative and programme budget implications of the above-mentioned resolutions will be presented orally to the Commission at the time of their consideration.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 18 February 1990 from the Permanent Representative of the Mission of Cuba to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to append to this letter a document by Mr. Nils Castro, member of the Executive Committee of the Latin American Human Rights Association, relating to the genocide and other serious violations of the human rights of the Panamanian people committed by the armed forces of the United States of America during the criminal invasion on 20 December 1989.

I would request you kindly to circulate this text as an official document of the Commission under agenda item 12.

(Signed) Raúl Roa Kouri
Deputy Minister for Foreign Affairs

GE.90-10753/5406A

Annex

GENOCIDE AND VIOLATION OF HUMAN RIGHTS IN PANAMA

Nils Castro
Member of the Executive Committee
Latin American Human Rights
Association

1. Early on 20 December 1989, the armed forces of the United States of America unleashed a widespread attack against the Republic of Panama, without prior warning or declaration of war. It was not until 7.30 a.m. on the same day that Mr. George Bush, the President of the United States, appeared on his country's television to explain to his fellow citizens that he had ordered the invasion of Panama with the aim of capturing General Manuel Antonio Noriega, at that time Head of Government and Commander in Chief of the Panamanian Defence Forces (FDP), in order to bring him to justice in Miami on charges allegedly linking him to drug-trafficking. Other aims of the invasion, according to Mr. Bush, were to protect of United States citizens living in Panama and to establish democracy in that country, through the installation in power of a local government whose leaders had been sworn in at the United States military base at Fort Clayton one hour before the commencement of the invasion.

2. The United States attack on Panama began with massive artillery fire and air raids directed simultaneously against various FDP barracks and installations, mostly situated within or near densely-populated areas. In order to appreciate the magnitude of the attack on Panama City alone, it should be noted that on the seismograph of the Geoscientific Institute of the University of Panama a whole series of explosions was recorded within the perimeter of the capital. The first bomb fell at 0.46 a.m. on 20 December, and during the following minute a further 67 fell. At 0.57 a.m. 23 more fell in the course of one minute. At 1 a.m. a strong detonation with a magnitude of 1.7 degrees on the Richter scale was recorded about 22 km from the University of Panama. Between 6 a.m. and 2 p.m. a further 251 bombs were recorded, all within densely-populated districts of the capital.

3. The bombing of Panamanian territory was carried out using very powerful military armaments including:

STEALTH F-118 bombers, which are silent and invisible to radar;
2000-pound bombs;

HELLFIRE missiles, which can penetrate the foundations of buildings before exploding, causing their total collapse;

BLACKHAWK, APACHE AH-64, COBRA and other combat and missile-carrying helicopters;

A-37 attack aircraft;

Rapid-fire 30-mm guns;

Armoured vehicles and artillery of various kinds.

4. Sophisticated experimental armaments of a new kind, such as laser weapons and high-fragmentation grenades, were also used. The force and fire-power employed were extraordinarily and disproportionately great, against an opponent of modest military capacity, and were aimed at destroying the population's morale, but they had the effect of causing far more victims and far greater destruction than necessary. Consequently, the results of the attacks constitute a genuine situation of genocide, as is apparent from the following cases:

(a) The FDP central barracks were bombed and subsequently attacked by land. The attack damaged the district of El Chorrillo, which mainly consists of wooden houses built in about the second decade of the century. The bombing left hundreds of dead and injured, and thousands of homes were damaged. We have information that some of the dead and injured were taken to Santo Tomás and Gorgas hospitals, the latter hospital being under United States military administration. In the late afternoon of 20 December, the director of Santo Tomás hospital reported to a radio station that 1,500 bodies of persons killed in the attack were lying in the hospital morgue. According to reports by doctors and nurses, the bodies had been bayoneted by United States troops in case someone had remained alive in the pile of bodies. Eyewitnesses report that, some days after the bombing, United States soldiers used flame-throwers to burn bodies among the ruins of the wooden houses. In addition, some 20,000 persons were left homeless in El Chorrillo as a result of the United States raids.

(b) In the San Miguelito sector, which has a mainly working-class population of 270,000, the United States attacks continued from 20 to 25 December, with street fighting and bombing every night. There is a military barracks in the middle of the sector, with the result that the bombing affected the civilian population. The attacks were carried out indiscriminately, especially in the Los Andes district, where tanks and mortars were also used. As a result of the fighting thousands of persons were killed and injured and thousands of homes damaged.

(c) In the Tocumen sector, where there was a Panamanian Air Force base, United States aircraft and helicopters carried out indiscriminate bombing, which affected the civilian population. Tanks and artillery also took part in these attacks. It is a mainly working class district, and there were hundreds of civilian and military deaths.

(d) In the Río Hato sector, in the province of Coclé, there is a military base of the same name, which contained the FDP's Benjamín Ruiz Non-Commissioned Officer School, and the Tomás Herrera Military Institute, which is a secondary school. The United States armed forces, using STEALTH F-118 bombers and other means of attack, raided the base in the early morning of 20 December. The bombs and firing killed about 100 pupils at the Tomás Herrera Institute and an undetermined number of Panamanian military and civilian personnel in the area.

(e) The FDP Navy base and barracks in the city of Colón on the Caribbean coast were bombed by United States aircraft, which endangered the civilian population in the surrounding area. There was also street fighting, which was particularly intensive in the area of the port of Cristóbal. All these actions left an unspecified number of civilian and military dead and injured.

(f) In Panamá Viejo, Panama City, there was a barracks of the FDP cavalry very close to the working-class district of the same name. Air raids, machine-gun fire and artillery attacks inflicted damage on the civilian population, leaving hundreds of dead and wounded among civilians and military personnel. The area is still banned to civilian observers.

5. It should be added that, during all these military actions, the United States army denied access to ambulances (including Red Cross ambulances) endeavouring to pick up the dead and wounded. This is a violation of the rules of international law, under which wounded persons can be given aid in case of war.

We have information indicating that United States troops dug secret common graves to hide the bodies of the victims of this extermination. These graves are in the new Municipal Cemetery of Panama, the Curundú cemetery, the Pueblo Nuevo and Juan Díaz cemeteries, the former French cemetery, the Jardín de Paz and the Chepo area. Some bodies were loaded on to refrigerated vans, while others, as has been stated, were incinerated with flame-throwers. There is also testimony reporting large numbers of bodies buried in the mangrove swamp area near Panamá Viejo.

6. The United States Government, through its Southern Command, has constantly prevented an investigation which would enable the damage caused by the invasion, in terms both of human life and material damage, to be quantified. This attitude has been publicly denounced by the Catholic bishops Carlos María Ariz and Rómulo Emiliani, who have also criticized the Government imposed by the invading troops for being an accomplice in the concealment of information and endorsement of this genocide. The subject is in fact off limits to public discussion, while strict control is maintained over information: there are no independent daily newspapers, television channels or radio stations.

7. We would like to point out that both Mr. Ramsey Clark, former United States Attorney-General, and the United States Democratic leader Jesse Jackson have denounced the horrifying crime committed against the Panamanian people and challenged the death toll announced by the United States Southern Command. This toll, which according to the Southern Command does not exceed 600 victims, is estimated by all other sources which have concerned themselves with the subject at figures that range from 4,000 to 10,000 dead and an indeterminate number of wounded.

8. Moreover, the treatment of the civilian population has also included numerous acts of brutality. There is the testimony of a wounded person who survived an attack by a United States Army tank on a passenger bus travelling between Panama City and La Chorrera, which killed 26 people.

9. These facts are a sufficient basis for accusing the United States Government of committing genocide against the Panamanian people, a crime which is covered by the rules of international law. That Government has violated and is violating the Convention on the Prevention and Punishment of the Crime of Genocide adopted on 9 December 1948 at the third session of the United Nations General Assembly with the evident intention of partially destroying the Panamanian people, particularly those of its members who have shown most inclination to resist the invasion and the occupation of their country by the United States Army. The actions of the United States during

the invasion of Panama accord perfectly with the categorization of the crime of genocide in article II of the Convention. Moreover, the complicity of the Government imposed on the country by the United States Army is covered by article III of the same Convention.

10. Apart from the crime of genocide, the United States Government is committing, and is encouraging its local allies to commit, serious violations of human rights. One of the most visible cases is what is happening in the concentration camps maintained by the United States Southern Command in Panama, which contain just over 5,000 Panamanian civilian and military prisoners, who are subjected to interrogation, maltreated and receive scant medical care and inadequate food. These camps include in particular those situated at the Empire Range firing range, the Rodman naval base and the Albrook Field air base.

11. In addition to being seized and interrogated and having files prepared on them, civilians are subjected to permanent harassment. Very often, individuals who have been detained in the concentration camps are subsequently re-arrested and imprisoned for a few days, before being once again released under threat.

12. One particularly serious practice is that of seizing children in order to make their parents turn themselves in. There is testimony concerning the seizure of children aged 3 months, 6 years and 8 years, in order to force their respective parents to come out of hiding and present themselves to the occupying authorities.

13. In addition, hundreds of local, regional and national leaders of neighbourhood, grass-roots, trade-union and political organizations are subjected to conditions of persecution, coercion and clandestinity. As well as this, there are the punitive activities of the so-called "civic brigades", paramilitary groups organized from the Ministry of the Interior and Justice, which are directed mainly against ordinary and middle-level leaders of the working-class movement. In Panama, in fact, the conditions of the rule of law do not exist; political and civil freedoms such as the rights of assembly, organization and expression are suppressed, and the right of asylum is trampled upon. In practice, the Government imposed by the United States Army acts like a dictatorship.

14. In view of these facts, which are aggravated by the tight information blockade imposed by the invaders and their local accomplices, it is urgent to send international missions to carry out exhaustive on-the-spot investigations in order to gather the necessary testimony and documentation to prove to the world the true magnitude of the crime being committed against the people of Panama.

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Original: SPANISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 3

ORGANIZATION OF THE WORK OF THE SESSION

Letter dated 13 February 1990 from the Permanent Representative of the Republic of Cuba to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to express to you, on instructions from my Government, Cuba's reservation concerning the credentials presented by a self-styled government of Panama to Mr. Jan Martenson, Under-Secretary-General, accrediting a delegation to the forty-sixth session of the Commission on Human Rights.

As is widely known, since the military invasion of Panama by the United States armed forces, that country is in the charge of the Chief of the United States Southern Command, who is directing the occupation forces. Consequently, my Government considers that the self-styled Panamanian authorities and those who claim to represent Panama in this forum have no legitimacy whatsoever and thus expressly places this view on record.

I would request you kindly to circulate this letter as an official document of the Commission, in connection with the credentials of delegations to the forty-sixth session.

Accept, Madam, the assurances of my highest consideration.

(Signed): Raúl Roa Kouri
Deputy Minister for Foreign
Affairs of the Republic of Cuba
Head of the Delegation of Cuba

UNITED
NATIONS

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Economic and Social
Council

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E/CN.4/1990/78
21 February 1990

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda items 12 and 23

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Letter dated 21 February 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva, addressed to the Chairman of the Commission on Human Rights

Further to my letter of 15 February 1990, which you circulated in document E/CN.4/1990/71 and which I should be grateful if you would also circulate under item 12 of the agenda of the forty-sixth session of the Commission on Human Rights, like document E/CN.4/1990/74, I enclose a video cassette */ as the annex to my letter of 15 February 1990: the cassette contains sequences from a film which attests to the absurd and ridiculous nature of the statements of those who have invented the so-called tragic killing of the four Prasos brothers.

(Signed) Alfred Papuçiu

*/ Available in the Secretariat for consultation.